

1 ROB BONTA
Attorney General of California
2 NORMAN D. MORRISON
Supervising Deputy Attorney General
3 ASHLEY REYES
Deputy Attorney General
4 State Bar No. 312120
2550 Mariposa Mall, Room 5090
5 Fresno, CA 93721-2271
Telephone: (559) 705-2312
6 Fax: (559) 445-5106
E-mail: Ashley.Reyes@doj.ca.gov
7 *Attorneys for Defendant, State of California, acting*
by and through the California Highway Patrol, and
8 *Officer Ramon Silva*

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11

12 **SANDRA KIRKMAN AND CARLOS**
13 **ALANIZ, INDIVIDUALLY AND AS**
14 **SUCCESSORS-IN-INTEREST TO**
JOHN ALANIZ, DECEASED,

15 Plaintiffs,

16 v.

17 **STATE OF CALIFORNIA; RAMON**
18 **SILVA; AND DOES 1-10,**
INCLUSIVE,

19 Defendants.
20

Case No. 2:23-cv-07532-DMG-SSC

**DECLARATION OF DEPUTY
ATTORNEY GENERAL ASHLEY
REYES IN SUPPORT OF
DEFENDANTS' EX PARTE
APPLICATION FOR AN ORDER
SHORTENING TIME TO HEAR
MOTION TO WITHDRAW AS
COUNSEL [DOCS. 48 & 49]**

Judge: Honorable Dolly M. Gee
Trial Date: 04/15/2025
Action Filed: 7/28/2023

21 I, Ashley Reyes, declare as follows:

22 1. I am a duly appointed Deputy Attorney General and am assigned to
23 represent Defendants in the above-captioned action. The facts set forth herein are
24 within my personal knowledge, except where otherwise indicated, and if called to
25 testify herein I could and would competently testify thereto.

26 2. The withdrawal as counsel by the Office of the Attorney General is
27 necessitated due to a conflict of interest, as identified by California Rules of
28 Professional Conduct, Rule 1.7. This ethical conflict has only recently arisen, and

1 my office has moved promptly to withdraw as counsel. The basis for the ethical
2 conflict, and the facts relating to it, are identified in my declaration that has
3 previously been filed under seal and described more briefly below, and I will be
4 ready and available to provide the Court with any additional information relating to
5 the details of the ethical conflict and the need to withdraw the Court believes
6 necessary during an in camera proceeding, out of the presence of the Plaintiffs and
7 their counsel, should the Court feel such is necessary.

8 3. On November 27, 2024, our office filed an *ex parte* request for leave to
9 file a document under seal. (Doc. 44.) This request was made prior to filing
10 Defendants' Motion to Withdraw as Counsel to allow for the filing of my
11 declaration in support thereof under seal, which contained attorney-client privileged
12 communications. This order was granted December 4, 2024. (Doc. 47.)

13 4. On December 4, 2024, our office filed Defendants' Motion to Withdraw
14 as Counsel. (Docs. 48 & 49.) The grounds, justification, and facts supporting the
15 California Attorney General's withdrawal are set forth in the motion and
16 accompanying documents. In short, these grounds for justification include:

17 a. The ethical conflict requiring withdrawal has only recently arisen.
18 Defendants' counsel attempted to identify ethical and legally permissible methods
19 of waiving the conflict but are unable to do so.

20 b. The Office of the Attorney General does not have a reasonable
21 belief that it will be able to provide competent and diligent representation to CHP,
22 Officer Ramon, and the DOJ, without prejudicing the interests of the other, even if
23 it could obtain informed written consent from each client.

24 c. The Office of the Attorney General has concluded that withdrawal is
25 mandated because the sections within our office that are responsible for the AB
26 1506 investigation have taken an adverse position on behalf of their client (the
27 Department of Justice) with regards to the production of evidence and records
28 collected during the AB 1506 investigation.

5. The next available hearing date in this matter is January 3, 2025, a date that is eleven days from the date of expert disclosures (Doc. 45), and three months away from the April 15, 2025 trial date.

6. On December 5, 2024, I informed Plaintiffs' counsel, Shannon Leap, that our office would be moving *ex parte* for an order shortening time to hear the Motion to Withdraw. Ms. Leap indicated that her office would not be opposing this application, but asked that their office have time to file an opposition to the motion to withdraw by December 13, 2024, and a hearing date on or before December 20, 2024.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 6, 2024, at Fresno, California.

/s/ Ashley Reyes

Ashley Reyes

LA2023603259
95605733.docx

CERTIFICATE OF SERVICE

Case Name: **Sandra Kirkman, et al. v. State of California, et al.** No. **2:23-cv-07532-DMG-SSC**

I hereby certify that on December 6, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF DEPUTY ATTORNEY GENERAL ASHLEY REYES IN SUPPORT
OF DEFENDANTS' EX PARTE APPLICATION FOR AN ORDER SHORTENING
TIME TO HEAR MOTION TO WITHDRAW AS COUNSEL [DOCS. 48 & 49]**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on December 6, 2024, at Fresno, California.

Carrie Vue
Declarant

/s/ Carrie Vue
Signature